REMARKS

Claims 1-21 are pending in the present application. Claims 1, 2, 5, 7, 11, 12, 15, 17, and 21 were amended. Reconsideration of the claims is respectfully requested.

I.   35 U.S.C. § 101

The Examiner has rejected Claim 21 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter. More particularly, Claim 21 was rejected for failing to recite a computer program product that was executable by a computer readable medium. In response to this rejection, Claim 21 has been amended to recite a computer program product executable by a computer readable medium. Accordingly, this rejection has now been overcome.

II.   35 U.S.C. § 102

The Examiner has rejected Claims 1, 3-4, 7-11, 13-14, and 17-21 under 35 U.S.C. § 102, as being anticipated by U.S. Patent No. 6,970,101 to *Squire et al* (hereinafter "*Squire*"). This rejection is respectfully traversed.

III.   35 U.S.C. § 103, Obviousness: Claims 2, 5, 6, 12, 15, 16

The Examiner has rejected claims 2, 5-6, 12, and 15-16 under 35 U.S.C. § 103 as being unpatentable over *Squire*, in view of U.S. Patent No. 5,940,481 to *Zeitman* (hereinafter "*Zeitman*"). This rejection is respectfully traversed.

IV.   Teachings of Applicants

In making their invention, Applicants recognized that users of parking facilities frequently have preferences in regard to the physical characteristics or parameters of the spaces in which they park. For example, a driver may wish to park a predetermined distance from an entrance or exit. Accordingly, Applicants sought to provide a mechanism whereby parking preferences for a user would be retained or stored at a parking facility, over time. Thus, whenever the user went to the facility, the user profile could be retrieved by a parking management system, merely from an identification of the user. The system would then use information in the retrieved profile to indicate which parking spaces, of those then available, would be most suitable for the user.

These teachings are set forth in Applicants' specification, such as at page 3, line 27; page 4, line 8; page 7, lines 10-20; and page 8, lines 8-15, which respectively read as follows:

The parking management system of the present invention makes an intelligent recommendation for a parking spot. The management system identifies a user and retrieves the profile of the user from the profile data structure. The parking management system then searches the parking data structure for available spots and selects a spot or set of spots that most closely match the user's preferences. The parking management system then presents the spot or set of spots to the driver. **[page 3, line 27 – page 4, line 8] (emphasis added)**

For example, a driver may wish to park a predetermined distance from entrance/exit 102 or elevator lobby 108.

The structure may include support poles, such as poles 106, which may encroach upon one or more parking spaces. Drivers may wish to park in a space with no poles. Alternatively, a driver may wish to park in a space with a pole on a particular side. For example, a driver may pull into a parking space forward with a pole on the right to reduce the likelihood that a driver's side door of a vehicle in an adjacent space will be opened into the side of vehicle. **[page 7, lines 10-20]**

Drivers provide profile information including parking preferences. Each driver may be uniquely identified using, for example, a magnetic stripe card, bar code, smart card, or the like. When a driver enters the parking structure, the driver is identified and a parking space is selected based on the driver's individual profile. The selected space or set of spaces are presented to the driver. **[page 8, lines 8-15] (emphasis added)**

Claim 1, directed to one embodiment for achieving Applicants' purposes, recites as follows:

1. (Currently Amended) A method for providing location data concerning optimal parking spaces according to a user profile, comprising the steps of:

retentively storing a user profile in a profile database, wherein said user profile contains at least one user preference concerning preferred parking parameters that pertain to a parking space;

providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system;

determining a list of available parking spaces;

responsive to a user communication with the parking management system, retrieving from said profile database a previously stored user profile containing said at least one user preference; and

responsive to said user communication with the parking management system, providing an optimal available parking space based on the previously stored user profile, the parking database, and the list of available parking spaces.

V.   Rejection of Claim 1

In rejecting Claim 1, the Examiner stated the following in the Office Action:

As per claim 1, Squire et al discloses:

providing a user profile containing data concerning preferred parking parameters to a parking space, (Col. 11, lines 30-33, and lines 51-53, providing/submitting customer preferences to receive assignment of a parking space, which is communicated to a database processor);

providing a parking database including data concerning parking parameters for each of a plurality of parking spaces under the control of a parking management system, (Abstract, lines 2-4, identifying characteristics of parking spaces stored in the database);

determining a list of available parking spaces, (Col. 12, lines 46-48, list of available parking spaces is sorted); and

responsive to a user communication with the parking management system, providing an optimal available parking space based on the user profile, the parking

database, and the list of available parking spaces, (Col. 7, line 66-Col. 8, line 2, determines optimal match of customer preferences and available parking spaces, w/Col. 12, lines 48-50, list is displayed and a ticket with a parking space number is printed and available to customer). **[Office Action dated December 21, 2006, pp. 3-4]**

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 <u>only</u> if <u>every element</u> of a claimed invention is <u>identically shown</u> in that single reference, <u>arranged as they are in the claims</u>. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). <u>All</u> limitations of the claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, <u>not</u> on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983). Moreover, it is a fundamental principle of patent law that <u>prior art must be considered in its entirety</u>. **MPEP2141.02**

Applicants respectfully submit that the *Squire* references does not teach every element of the claimed invention, arranged as they are in Claim 1. For example, *Squire* does not teach, in the overall combination of Claim 1, the following Claim 1 features:

(1)   Retentively storing a user profile in a profile database, wherein the user profile contains at least one user preference concerning parking parameters that pertain to a parking space (hereinafter "Feature (1)").

(2)   Responsive to a user communication with the parking management system, retrieving from the profile database a previously stored user profile containing at least one user preference (hereinafter "Feature (2)").

VI.   Claim 1 Distinguishes over Cited References

Applicants consider that pertinent teachings of *Squire* are found at col. 4, lines 21-24, col. 6, lines 47-57, col. 7, line 66, col.8, line 2, col. 9, lines 54-59, col. 11, lines 7-15, col. 11, lines 30-33, and col. 13, lines 7-28, which is claim 1 of *Squire*. These sections respectively read as follows:

A still further object of the present invention is to provide a parking guidance system that includes <u>an interface for receiving customer preference information about parking spaces</u> from a plurality of peripheral devices. **[col. 4, lines 21-24] (emphasis added)**

FIG. 1 illustrates, a customer driving to a shopping mall 16. The customer may need to park his or her vehicle 14 in a parking garage 12. <u>As the customer approaches the entrance 17 to the garage 12, he or she may provide preferential information such as where in the mall 16 the customer wants to be</u> or the type of the vehicle the customer is driving. This information is necessary to ascertain the size of the vehicle and hence the size of the parking space required. This information also aids the system in finding a parking space by providing other customer preferences and/or requirements, e.g., if handicap parking is needed. **[col. 6, lines 21-24] (emphasis added)**

Additionally, the parking guidance system **10** computes the optimal match of customer's preferences and available parking spaces in a parking garage. [**col. 7, line 66 – col. 8, line 2**]

Customer Preferences

To request an available parking space, customers provide their preferences to the customer interface of the parking guidance system 10. What the customer provides is all or a subset of descriptors identified and assigned to individual parking spaces as described above. [**col. 9, lines 54-59**] **(emphasis added)**

For every vehicle that enters the garage, the matrix multiplication S=WxP is performed. The S vector is of size L, the number of available parking spaces, and provides the preference score for each parking space 18. The optimum unoccupied parking space 18 corresponds to the highest value row of matrix S. As described above, each parking space is described in the matrix W 70, by descriptors wij, where (i) is the parking space number and (j) is the preassigned preference number or weight of the descriptor. [**col. 11, lines 7-15**]

In one exemplary embodiment of the invention, shown in Fig. 6, the customer preference information may be provided to the interface 26 via a computing device 94 built in to the dashboard of the vehicle 14. FIGS. 7 and 8 illustrate. [**col. 11, lines 30-33**]

1. A method of matching a vehicle with a vacant parking space of a plurality of parking spaces said method comprising the steps of:
a) storing data identifying characteristics of each of said lo a database, wherein said database stores identifying plurality of parking spaces in a database;
b) inputting data concerning preferences for parking by a user;
c) determining which of said plurality of parking spaces to input parking preference data; are vacant;
d) matching said data input by said user with said data identifying characteristics of each of said plurality of parking spaces determined to be vacant;
e) determining which of said parking spaces determined to be vacant most closely matches said data input by said user;
f) reserving said parking space determined for said user; and
g) indicating said parking space is available, if a time limit passes and said parking space is vacant, wherein said time limit is less than a maximum time amount said user is allowed to continuously park in said parking space. [**col. 13, lines 7-28**] **(emphasis added)**

It is thus seen that *Squire* teaches an arrangement for providing parking assistance to customers who drive to a shopping mall or the like. When a customer approaches an entrance to a parking garage, the customer uses an interface to input parking related preferential information to a parking guidance system. The interface may be a computing device in the customer's vehicle. The guiding system then uses the inputted information to determine which of the vacant parking spaces most closely match the customer input.

In stressing the need for customers to input parking related information, every time that a parking space is required, *Squire* teaches that the disclosure thereof is only concerned with the immediate use of parking facilities. As a result, *Squire* neither discloses, nor has any need for, the teachings of Feature (1) of Claim 1. As stated above, Feature (1) recites retentively storing a user profile in the database, wherein

the user profile contains <u>at least one user preference</u> concerning parking parameters that pertain to a parking space. Similarly, *Squire* neither discloses nor requires Feature (2) of Claim 1, that is, retrieving a <u>previously stored</u> user profile containing at least one user preference. Of course, it is readily apparent that a user preference could not be retrieved from a user profile, in accordance with Feature (2), if user preference had not been retentively stored previously, as required by Feature (1).

Applicants point out that the need for customers to <u>input</u> their parking preferences in the *Squire* arrangement is <u>emphasized repeatedly throughout</u> the *Squire* disclosure. For example, at col. 4, lines 21-24, *Squire* teaches "an interface for receiving customer preference information about parking spaces". Col. 6, lines 49-52 of *Squire* discloses that as a customer approaches the entrance to a garage, he or she may provide preferential information such as where in the mall a customer wants to be. *Squire* teaches at col. 9, lines 55-57 that in order to request an available parking space, customers provide their preferences to the customer interface of a parking guidance system. Claim 1 of *Squire* is directed to a method that, *inter alia*, includes the step of inputting data concerning preferences for parking by a user. This continual emphasis in *Squire*, of the need for customers to input preferential parking space data, is considered to <u>teach away</u> from both Feature (1) and Feature (2) of Claim 1.

The *Zeitman* reference, such as at col. 1, lines 46-49, discloses a concern with data relating to a parking facility, such as parking facility availability, vehicle identification, user identification, billing information, time of use, and law enforcement information. Thus, *Zeitman* does not teach either retentively storing, or retrieving a previously stored, user profile that contains <u>at least one user preference</u> concerning parking space parameters. Accordingly, *Zeitman* does not teach Feature (1) or Feature (2) of Applicants' Claim 1, nor does *Zeitman* otherwise overcome the deficiencies of *Squire* in regard to Claim 1, as discussed above.

Moreover, in order to combine the *Squire* and *Zeitman* references, such as under 35 U.S.C. § Section 103, the prior art must show <u>some reason or motivation</u> for modifying *Squire* in accordance with teachings of *Zeitman*, in order to achieve Applicants' Claim 1. However, the prior art, as represented by *Squire* and *Zeitman*, clearly teaches away from any such combination. For example, the teachings of *Zeitman* were publicly available by at least August 17, 1999, the patent date of the *Zeitman* reference. Therefore, at a time prior to April 1, 2003, the filing date of *Squire*, the inventors of *Squire* had the *Zietman* reference as a publicly available disclosure. Clearly, the inventors of *Squire* are or were persons of skill in the art. Thus, if it was obvious to such persons of skill in the art to combine *Squire* with *Zeitman*, in order to realize Applicants' Claim 1, they would have done so. However, they <u>did not</u> make such combination, thereby demonstrating that such combination of *Squire* and *Zeitman* was <u>non-obvious</u> to persons of skill in the art.

VII.   Remaining Claims Distinguish Over Cited References

Claims 11 and 21 are independent claims that incorporate patentable subject matter of Claim 1, and are each considered to distinguish over the art for at least reasons given in support thereof.

Claims 2-10 and 12-20 depend from Claims 1 and 11, respectively, and are each considered to patentably distinguish over the art for at least the same reasons given in support thereof.

Claims 2 and 12 are additionally considered to distinguish over the art in reciting the feature that the previously stored user profile containing the at least one user preference includes an identification of a user. Neither *Squire* nor *Zeitman*, nor any combination thereof, discloses this feature.

Claims 5 and 15 are additionally considered to distinguish over the art in reciting the feature that the previously stored user profile containing the at least one user preference is selected in response to receiving the identification of a user. Neither *Squire* nor *Zeitman*, nor any combination thereof, discloses this feature.

Claims 7 and 17 are additionally considered to distinguish over the art in reciting the feature that the retentively stored user profile contains at least one user preference concerning a parking parameter selected from a group that includes at least one of a number of physical characteristics pertaining to a parking space. Neither *Squire* nor *Zeitman*, nor any combination thereof, discloses this feature.

VIII. Conclusion

It is respectfully urged that the subject application is patentable over the *Squire* and *Zeitman* references, and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: <u>March 19, 2007</u>

Respectfully submitted,

/James O. Skarsten/

James O. Skarsten
Reg. No. 28,346
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants